

House Engrossed Senate Bill  
congenital heart defect special plates

State of Arizona  
Senate  
Fifty-fifth Legislature  
First Regular Session  
2021

**CHAPTER 153**  
**SENATE BILL 1050**

AN ACT

AMENDING SECTIONS 28-2351 AND 28-2403, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 7, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-2469; AMENDING SECTIONS 28-6501, 28-6991 AND 28-6993, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-123.03; RELATING TO LICENSE PLATES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-2351, Arizona Revised Statutes, is amended to  
3 read:

4 28-2351. License plate provided; design

5 A. Notwithstanding any other law, the department shall provide to  
6 every owner one license plate for each vehicle registered. At the request  
7 of the owner and on payment of a fee in an amount prescribed by the  
8 director by rule, the department shall provide one additional license  
9 plate for a vehicle for which a special plate is requested pursuant to  
10 this chapter.

11 B. The license plate shall display the number assigned to the  
12 vehicle and to the owner of the vehicle and the name of this state, which  
13 may be abbreviated. The director shall coat the license plate with a  
14 reflective material that is consistent with the determination of the  
15 department regarding the color and design of license plates and special  
16 plates. The director shall design the license plate and the letters and  
17 numerals on the license plate to be of sufficient size to be plainly  
18 readable during daylight from a distance of one hundred feet. In addition  
19 to the standard license plate issued for a trailer before August 12, 2005,  
20 the director shall issue a license plate for trailers that has a design  
21 that is similar to the standard size license plate for trailers but that  
22 is the same size as the license plate for motorcycles. The trailer owner  
23 shall notify the department which size license plate the owner wants for  
24 the trailer.

25 C. Notwithstanding any other law, the department shall not contract  
26 with a nongovernmental entity to purchase or secure reflective material  
27 for the plates issued by the department unless the department has made a  
28 reasonable effort to secure qualified bids or proposals from as many  
29 individual responsible respondents as possible.

30 D. The department shall determine the color and design of the  
31 license plate. All other plates issued by the department, except the  
32 plates issued pursuant to sections 28-2404, 28-2412, 28-2413, 28-2414,  
33 28-2416, 28-2416.01, 28-2417 through ~~28-2468~~ 28-2469, 28-2472, 28-2473,  
34 28-2474, 28-2475, 28-2476 and 28-4533 and article 14 of this chapter,  
35 shall be the same color as and similar in design to the license plate as  
36 determined by the department.

37 E. A passenger motor vehicle that is rented without a driver shall  
38 receive the same type of license plate as is issued for a private  
39 passenger motor vehicle.

40 Sec. 2. Section 28-2403, Arizona Revised Statutes, is amended to  
41 read:

42 28-2403. Special plates; transfers; violation;  
43 classification

44 A. Except as otherwise provided in this article, the department  
45 shall issue or renew special plates in lieu of the regular license plates

1 pursuant to the following conditions and procedures and only if the  
2 requirements prescribed by this article for the requested special plates  
3 are met:

4 1. Except as provided in sections 28-2416 and 28-2416.01, a person  
5 who is the registered owner of a vehicle registered with the department or  
6 who applies for an original or renewal registration of a vehicle may  
7 submit to the department a completed application form as prescribed by the  
8 department with the fee prescribed by section 28-2402 for special plates  
9 in addition to the registration fee prescribed by section 28-2003.

10 2. Except for plates issued pursuant to sections 28-2404, 28-2412,  
11 28-2413, 28-2414, 28-2416, 28-2416.01, 28-2417 through ~~28-2468~~ 28-2469,  
12 28-2472, 28-2473, 28-2474, 28-2475 and 28-2476 and article 14 of this  
13 chapter, the special plates shall be the same color as and similar to the  
14 design of the regular license plates that is determined by the department.

15 3. Except as provided in section 28-2416, the department shall  
16 issue special plates only to the owner or lessee of a vehicle that is  
17 currently registered, including any vehicle that has a declared gross  
18 weight, as defined in section 28-5431, of twenty-six thousand pounds or  
19 less.

20 4. Except as provided in sections 28-2416 and 28-2416.01, the  
21 department shall charge the fee prescribed by section 28-2402 for each  
22 annual renewal of special plates in addition to the registration fee  
23 prescribed by section 28-2003.

24 B. Except as provided in sections 28-2416 and 28-2416.01, on  
25 notification to the department and on payment of the transfer fee  
26 prescribed by section 28-2402, a person who is issued special plates may  
27 transfer the special plates to another vehicle the person owns or leases.  
28 Persons who are issued special plates for hearing impaired persons  
29 pursuant to section 28-2408 and international symbol of access special  
30 plates pursuant to section 28-2409 are exempt from the transfer fee. If a  
31 person who is issued special plates sells, trades or otherwise releases  
32 ownership of the vehicle on which the plates have been displayed, the  
33 person shall immediately report the transfer of the plates to the  
34 department or the person shall surrender the plates to the department as  
35 prescribed by the director. It is unlawful for a person to whom the  
36 plates have been issued to knowingly ~~permit~~ ALLOW them to be displayed on  
37 a vehicle except the vehicle authorized by the department.

38 C. The special plates shall be affixed to the vehicle for which  
39 registration is sought in lieu of the regular license plates.

40 D. A person is guilty of a class 3 misdemeanor who:

41 1. Violates subsection B of this section.

42 2. Fraudulently gives false or fictitious information in the  
43 application for or renewal of special plates or placards issued pursuant  
44 to this article.

1           3. Conceals a material fact or otherwise commits fraud in the  
2 application for or renewal of special plates or placards issued pursuant  
3 to this article.

4           Sec. 3. Title 28, chapter 7, article 12, Arizona Revised Statutes,  
5 is amended by adding section 28-2469, to read:

6           28-2469. Congenital heart defect special plates

7           A. IF, BY DECEMBER 31, 2022, A PERSON PAYS \$32,000 TO THE  
8 DEPARTMENT FOR THE IMPLEMENTATION OF THIS SECTION, THE DEPARTMENT SHALL  
9 ISSUE CONGENITAL HEART DEFECT SPECIAL PLATES. THE PERSON THAT PROVIDES  
10 THE \$32,000 SHALL DESIGN THE CONGENITAL HEART DEFECT SPECIAL PLATES. THE  
11 DESIGN AND COLOR OF THE CONGENITAL HEART DEFECT SPECIAL PLATES ARE SUBJECT  
12 TO THE APPROVAL OF THE DEPARTMENT. THE DIRECTOR MAY ALLOW A REQUEST FOR  
13 CONGENITAL HEART DEFECT SPECIAL PLATES TO BE COMBINED WITH A REQUEST FOR  
14 PERSONALIZED SPECIAL PLATES. IF THE DIRECTOR ALLOWS SUCH A COMBINATION,  
15 THE REQUEST SHALL BE IN A FORM PRESCRIBED BY THE DIRECTOR AND IS SUBJECT  
16 TO THE FEES FOR THE PERSONALIZED SPECIAL PLATES IN ADDITION TO THE FEES  
17 REQUIRED FOR THE CONGENITAL HEART DEFECT SPECIAL PLATES.

18           B. OF THE \$25 FEE REQUIRED BY SECTION 28-2402 FOR THE ORIGINAL  
19 SPECIAL PLATES AND FOR RENEWAL OF SPECIAL PLATES, \$8 IS A SPECIAL PLATE  
20 ADMINISTRATION FEE AND \$17 IS AN ANNUAL DONATION.

21           C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND  
22 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND  
23 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO  
24 THIS SECTION IN THE CONGENITAL HEART DEFECT SPECIAL PLATE FUND ESTABLISHED  
25 BY SECTION 36-123.03.

26           Sec. 4. Section 28-6501, Arizona Revised Statutes, is amended to  
27 read:

28           28-6501. Definition of highway user revenues

29           In this article, unless the context otherwise requires or except as  
30 otherwise provided by statute, "highway user revenues" means all monies  
31 received in this state from licenses, taxes, penalties, interest and fees  
32 authorized by the following:

33           1. Chapters 2, 7, 8 and 15 of this title, except for:

34           (a) The special plate administration fees prescribed in sections  
35 28-2404, 28-2407, 28-2412 through ~~28-2468~~ 28-2469 and 28-2514.

36           (b) The donations prescribed in sections 28-2404, 28-2407, 28-2412  
37 through 28-2415, 28-2417 through ~~28-2468~~ 28-2469, 28-2473, 28-2474,  
38 28-2475 and 28-2476.

39           2. Section 28-1177.

40           3. Chapters 10 and 11 of this title.

41           4. Chapter 16, articles 1, 2 and 4 of this title, except as  
42 provided in sections 28-5926 and 28-5927.

1       Sec. 5. Section 28-6991, Arizona Revised Statutes, is amended to  
2 read:

3       28-6991. State highway fund; sources

4       The state highway fund is established that consists of:

5       1. Monies distributed from the Arizona highway user revenue fund  
6 pursuant to chapter 18 of this title.

7       2. Monies appropriated by the legislature.

8       3. Monies received from donations for the construction, improvement  
9 or maintenance of state highways or bridges. These monies shall be  
10 credited to a special account and shall be spent only for the purpose  
11 indicated by the donor.

12       4. Monies received from counties or cities under cooperative  
13 agreements, including proceeds from bond issues. The state treasurer  
14 shall deposit these monies to the credit of the fund in a special account  
15 on delivery to the treasurer of a concise written agreement between the  
16 department and the county or city stating the purposes for which the  
17 monies are surrendered by the county or city, and these monies shall be  
18 spent only as stated in the agreement.

19       5. Monies received from the United States under an act of Congress  
20 to provide aid for the construction of rural post roads, but monies  
21 received on projects for which the monies necessary to be provided by this  
22 state are wholly derived from sources mentioned in paragraphs 2 and 3 of  
23 this section shall be allotted by the department and deposited by the  
24 state treasurer in the special account within the fund established for  
25 each project. On completion of the project, on the satisfaction and  
26 discharge in full of all obligations of any kind created and on request of  
27 the department, the treasurer shall transfer the unexpended balance in the  
28 special account for the project into the state highway fund, and the  
29 unexpended balance and any further federal aid thereafter received on  
30 account of the project may be spent under the general provisions of this  
31 title.

32       6. Monies in the custody of an officer or agent of this state from  
33 any source that is to be used for the construction, improvement or  
34 maintenance of state highways or bridges.

35       7. Monies deposited in the state general fund and arising from the  
36 disposal of state personal property belonging to the department.

37       8. Receipts from the sale or disposal of any or all other property  
38 held by the department and purchased with state highway monies.

39       9. Monies generated pursuant to section 28-410.

40       10. Monies distributed pursuant to section 28-5808, subsection B,  
41 paragraph 2, subdivision (d).

42       11. Monies deposited pursuant to sections 28-1143, 28-2353 and  
43 28-3003.

44       12. Except as provided in section 28-5101, the following monies:

1 (a) Monies deposited pursuant to section 28-2206 and section  
2 28-5808, subsection B, paragraph 2, subdivision (e).

3 (b) \$1 of each registration fee and \$1 of each title fee collected  
4 pursuant to section 28-2003.

5 (c) \$2 of each late registration penalty collected by the director  
6 pursuant to section 28-2162.

7 (d) The air quality compliance fee collected pursuant to section  
8 49-542.

9 (e) The special plate administration fees collected pursuant to  
10 sections 28-2404, 28-2407, 28-2412 through 28-2416, 28-2416.01, 28-2417  
11 through ~~28-2468~~ 28-2469 and 28-2514.

12 (f) Monies collected pursuant to sections 28-372, 28-2155 and  
13 28-2156 if the director is the registering officer.

14 13. Monies deposited pursuant to chapter 5, article 5 of this  
15 title.

16 14. Donations received pursuant to section 28-2269.

17 15. Dealer and registration monies collected pursuant to section  
18 28-4304.

19 16. Abandoned vehicle administration monies deposited pursuant to  
20 section 28-4804.

21 17. Monies deposited pursuant to section 28-710, subsection D,  
22 paragraph 2.

23 18. Monies deposited pursuant to section 28-2065.

24 19. Monies deposited pursuant to section 28-7311.

25 20. Monies deposited pursuant to section 28-7059.

26 21. Monies deposited pursuant to section 28-1105.

27 22. Monies deposited pursuant to section 28-2448, subsection D.

28 23. Monies deposited pursuant to section 28-3415.

29 24. Monies deposited pursuant to section 28-3002, subsection A,  
30 paragraph 14.

31 25. Monies deposited pursuant to section 28-7316.

32 26. Monies deposited pursuant to section 28-4302.

33 27. Monies deposited pursuant to section 28-3416.

34 28. Monies deposited pursuant to section 28-4504.

35 29. Monies deposited pursuant to section 28-2098.

36 Sec. 6. Section 28-6993, Arizona Revised Statutes, is amended to  
37 read:

38 ~~28-6993.~~ State highway fund; authorized uses

39 A. Except as provided in subsection B of this section and section  
40 28-6538, the state highway fund shall be used for any of the following  
41 purposes in strict conformity with and subject to the budget as provided  
42 by this section and by sections 28-6997 through 28-7003:

43 1. To pay salaries, wages, necessary travel expenses and other  
44 expenses of officers and employees of the department and the incidental

1 office expenses, including telegraph, telephone, postal and express  
2 charges and printing, stationery and advertising expenses.

3 2. To pay for both:

4 (a) Equipment, supplies, machines, tools, department offices and  
5 laboratories established by the department.

6 (b) The construction and repair of buildings or yards of the  
7 department.

8 3. To pay the cost of both:

9 (a) Engineering, construction, improvement and maintenance of state  
10 highways and parts of highways forming state routes.

11 (b) Highways under cooperative agreements with the United States  
12 that are entered into pursuant to this chapter and an act of Congress  
13 providing for the construction of rural post roads.

14 4. To pay land damages incurred by reason of establishing, opening,  
15 altering, relocating, widening or abandoning portions of a state route or  
16 state highway.

17 5. To reimburse the department revolving account.

18 6. To pay premiums on authorized indemnity bonds and on  
19 compensation insurance under the workers' compensation act.

20 7. To defray lawful expenses and costs required to administer and  
21 carry out the intent, purposes and provisions of this title, including  
22 repayment of obligations entered into pursuant to this title, payment of  
23 interest on obligations entered into pursuant to this title, repayment of  
24 loans and other financial assistance, including repayment of advances and  
25 interest on advances made to the department pursuant to section 28-7677,  
26 and payment of all other obligations and expenses of the board and  
27 department pursuant to chapter 21 of this title.

28 8. To pay lawful bills and charges incurred by the state engineer.

29 9. To acquire, construct or improve entry roads to state parks or  
30 roads within state parks.

31 10. To acquire, construct or improve entry roads to state prisons.

32 11. To pay the cost of relocating a utility facility pursuant to  
33 section 28-7156.

34 12. For the purposes provided in subsections C, D and E of this  
35 section and sections 28-1143, 28-2353 and 28-3003.

36 13. To pay the cost of issuing an Arizona centennial special plate  
37 pursuant to section 28-2448.

38 B. For each fiscal year, the department of transportation shall  
39 allocate and transfer monies in the state highway fund to the department  
40 of public safety for funding a portion of highway patrol costs in eight  
41 installments in each of the first eight months of a fiscal year that do  
42 not exceed \$10,000,000.

43 C. Subject to legislative appropriation, the department may use the  
44 monies in the state highway fund as prescribed in section 28-6991,  
45 paragraph 12 to carry out the duties imposed by this title for

1 registration or titling of vehicles, to operate joint title, registration  
2 and driver licensing offices, to cover the administrative costs of issuing  
3 the air quality compliance sticker, modifying the year validating tab and  
4 issuing the windshield sticker and to cover expenses and costs in issuing  
5 special plates pursuant to sections 28-2404, 28-2407, 28-2412 through  
6 ~~28-2468~~ 28-2469 and 28-2514.

7 D. The department shall use monies deposited in the state highway  
8 fund pursuant to chapter 5, article 5 of this title only as prescribed by  
9 that article.

10 E. Monies deposited in the state highway fund pursuant to section  
11 28-2269 shall be used only as prescribed by that section.

12 F. Monies deposited in the state highway fund pursuant to section  
13 28-710, subsection D, paragraph 2 shall only be used for state highway  
14 work zone traffic control devices.

15 G. The department may exchange monies distributed to the state  
16 highway fund pursuant to section 28-6538, subsection A, paragraph 1 for  
17 local government surface transportation program federal monies  
18 suballocated to councils of government and metropolitan planning  
19 organizations if the local government scheduled to receive the federal  
20 monies concurs. An exchange of state highway fund monies pursuant to this  
21 subsection shall be in an amount that is at least equal to ninety percent  
22 of the federal obligation authority that exists in the project for which  
23 the exchange is proposed.

24 H. The department shall use monies deposited in the state highway  
25 fund pursuant to section 28-1105, subsection A, paragraph 2, subdivision  
26 (a) only for a transportation facility that is located within twenty  
27 drivable miles of the international port of entry and shall spend the  
28 monies proportionally based on the amount of total monies collected  
29 pursuant to section 28-1105, subsection A, paragraph 2, subdivision (a).  
30 For the purposes of this subsection, "transportation facility" means a  
31 highway or a state route or a county, city or town road that is used by a  
32 commercial vehicle or a commercial vehicle combination for which an axle  
33 fee is paid pursuant to section 28-5474.

34 Sec. 7. Title 36, chapter 1, article 1, Arizona Revised Statutes,  
35 is amended by adding section 36-123.03, to read:

36 36-123.03. Congenital heart defect special plate fund

37 A. THE CONGENITAL HEART DEFECT SPECIAL PLATE FUND IS ESTABLISHED  
38 CONSISTING OF MONIES RECEIVED PURSUANT TO SECTION 28-2469. THE DIRECTOR  
39 SHALL ADMINISTER THE FUND. THE FIRST \$32,000 RECEIVED SHALL BE REIMBURSED  
40 TO THE PERSON WHO PAYS THE IMPLEMENTATION FEE PURSUANT TO SECTION 28-2469.  
41 NOT MORE THAN TEN PERCENT OF MONIES DEPOSITED IN THE FUND ANNUALLY SHALL  
42 BE USED FOR THE COST OF ADMINISTERING THE FUND. MONIES IN THE FUND ARE  
43 CONTINUOUSLY APPROPRIATED. THE DIRECTOR SHALL ANNUALLY DISTRIBUTE MONIES  
44 IN THE FUND.



1           B. THE DIRECTOR SHALL ANNUALLY ALLOCATE MONIES FROM THE FUND,  
2 EXCLUDING ADMINISTRATIVE FEES, TO A HOSPITAL'S FOUNDATION THAT IS  
3 QUALIFIED UNDER SECTION 501(c)(3) OF THE UNITED STATES INTERNAL REVENUE  
4 CODE FOR FEDERAL INCOME TAX PURPOSES AND THAT MEETS BOTH OF THE FOLLOWING:

5           1. IS HEADQUARTERED IN THIS STATE.

6           2. SUPPORTS A HOSPITAL THAT HAS BEEN OPERATING IN THIS STATE FOR AT  
7 LEAST THIRTY-SEVEN YEARS, THAT HAS A PRIMARY FOCUS OF PEDIATRIC PATIENT  
8 CARE AND THAT HAS A HEART CENTER.

9           C. THE MONIES ALLOCATED FROM THE FUND SHALL BE USED ONLY FOR  
10 CONGENITAL HEART DEFECT RESEARCH, TREATMENT AND COMMUNITY EDUCATION AND  
11 OUTREACH.

12           D. MONIES IN THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION  
13 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

APPROVED BY THE GOVERNOR MARCH 30, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 30, 2021.